

# CONFIRMATION PCT

## REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

|   |             |
|---|-------------|
| For receiving Office use only   |             |
| PCT IEP 2506 1003064  |             |
| International Application No.   |             |
| International Filing Date<br>(23. 03. 2004)   | 23 MAR 2004 |
| EUROPEAN PATENT OFFICE<br>PCT INTERNATIONAL APPLICATION<br>Name of receiving Office and "PCT International Application" |             |
| Applicant's or agent's file reference<br>(if desired) (12 characters maximum) SJW/6915 WO                               |             |

|   |   |
|---|---|
| <b>Box No. I TITLE OF INVENTION</b>   |   |
| Comestibles containing Isomaltulose and Trehalose for sustained carbohydrate energy release and reduced glyceimic/insulinemic responses, and for preserving osmolality  |   |
| <b>Box No. II APPLICANT</b> <input type="checkbox"/> This person is also inventor   |   |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)     | Telephone No.   |
| Cerestar Holding B.V.<br>Nijverheidsstraat 1<br>PO Box 9<br>4551 LA Sas van Gent<br>Netherlands   | Facsimile No.   |
|   | Teleprinter No.   |
|   | Applicant's registration No. with the Office  |
| State (that is, country) of nationality:<br>NL  | State (that is, country) of residence:<br>NL  |
| This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box |   |
| <b>Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)</b>  |   |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)     | This person is:   |
| BROUNS, Fredericus, Johannes, Petrus, Henricus<br>Sibberkerkstraat 38<br>NL-6301 AW Sibbe-Valkenburg<br>The Netherlands   | <input type="checkbox"/> applicant only   |
|   | <input checked="" type="checkbox"/> applicant and inventor                                  |
|   | <input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.) |
| Applicant's registration No. with the Office  |   |
| State (that is, country) of nationality:<br>NL  | State (that is, country) of residence:<br>NL  |
| This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box |   |
| <input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.  |   |
| <b>Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE</b>   |   |
| The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:  | <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative    |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)  | Telephone No.   |
| WILKINSON, Stephen John<br>Stevens, Hewlett & Perkins<br>1 St Augustine's Place<br>Bristol BS1 4UD<br>United Kingdom  | +44(0)117 9226007   |
|   | Facsimile No.   |
|   | +44(0)117 9226009   |
| Teleprinter No.   |   |
| Agent's registration No. with the Office  |   |
| <input type="checkbox"/> Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.  |   |

Sheet No. ...2...

**Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)***If none of the following sub-boxes is used, this sheet should not be included in the request.*

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

SIMON, Jacques, Georges, Denis, Cénéré  
11, rue Brissard  
F-92140 Clamart  
France

This person is:

- ☐ applicant only  
☒ applicant and inventor  
☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:  
FR

State (that is, country) of residence:  
FR

This person is applicant  
for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

BONNET, Didier, Charles, Robert  
4 Clos du Abbé Froidure  
B-1180 Uccle  
Belgium

This person is:

- ☐ applicant only  
☒ applicant and inventor  
☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:  
FR

State (that is, country) of residence:  
BE

This person is applicant  
for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

VANHEMELRIJCK, Jozef, Guido, Roza  
Landbeekstraat 10  
B-1860 Meise  
Belgium

This person is:

- ☐ applicant only  
☒ applicant and inventor  
☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:  
BE

State (that is, country) of residence:  
BE

This person is applicant  
for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- ☐ applicant only  
☐ applicant and inventor  
☐ inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant  
for the purposes of:

- ☐ all designated States ☐ all designated States except the United States of America ☐ the United States of America only ☐ the States indicated in the Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on another continuation sheet.

**Box No. V DESIGNATIONS**

The filing of this request constitutes under Rule 4.9(a), the designation of all Contracting States bound by the PCT on the international filing date, for the grant of every kind of protection available and, where applicable, for the grant of both regional and national patents.

However,

- ☐ DE Germany is not designated for any kind of national protection
- ☐ KR Republic of Korea is not designated for any kind of national protection
- ☐ RU Russian Federation is not designated for any kind of national protection

(The check-boxes above may be used to exclude (irrevocably) the designations concerned in order to avoid the ceasing of the effect, under the national law, of an earlier national application from which priority is claimed. See the Notes to Box No. V as to the consequences of such national law provisions in these and certain other States.)

**Box No. VI PRIORITY CLAIM**

The priority of the following earlier application(s) is hereby claimed:

| Filing date<br>of earlier application<br>(day/month/year) | Number<br>of earlier application | Where earlier application is:                        |   |  |
|---|----------------------------------|--|---|--|
|   |                                  | national application:<br>country or Member<br>of WTO | regional application:*<br>regional Office | international application:<br>receiving Office |
| item (1)<br>24 March 2003<br>(24/03/2003)                 | 03251833.4                       |  | EP  |  |
| item (2)<br>23 July 2003<br>(23/07/2003)                  | 03254634.0                       |  | EP  |  |
| item (3)  |                                  |  |   |  |

☐ Further priority claims are indicated in the Supplemental Box.

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office) identified above as:

☐ all items ☐ item (1) ☐ item (2) ☐ item (3) ☐ other, see Supplemental Box

\* Where the earlier application is an ARIPO application, indicate at least one country party to the Paris Convention for the Protection of Industrial Property or one Member of the World Trade Organization for which that earlier application was filed (Rule 4.10(b)(ii)): . . . .

**Box No. VII INTERNATIONAL SEARCHING AUTHORITY**

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA / EP

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

| Date (day/month/year) | Number   | Country (or regional Office) |
|-----------------------|----------|------------------------------|
| 21/08/2003            | 03251833 | EP                           |
| 12/01/2004            | 03254635 | EP                           |

**Box No. VIII DECLARATIONS**

The following declarations are contained in Boxes Nos. VIII (i) to (v) (mark the applicable check-boxes below and indicate in the right column the number of each type of declaration):

|   |  | Number of<br>declarations |
|---|--|---------------------------|
| <input type="checkbox"/> Box No. VIII (i)             | Declaration as to the identity of the inventor :   |                           |
| <input type="checkbox"/> Box No. VIII (ii)            | Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent :             |                           |
| <input type="checkbox"/> Box No. VIII (iii)           | Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application : |                           |
| <input checked="" type="checkbox"/> Box No. VIII (iv) | Declaration of inventorship (only for the purposes of the designation of the United States of America) :                               | 4                         |
| <input type="checkbox"/> Box No. VIII (v)             | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty :   |                           |

Sheet No. 4

**Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)**  
*The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (iv). If this Box is not used, this sheet should not be included in the request.*

**Declaration of inventorship (Rules 4.17(iv) and 51bis.1(a)(iv))  
 for the purposes of the designation of the United States of America:**

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/..... (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

Prior Applications: .. EP.03251833.4 ..... 24 March. 2003 .....  
 .. EP 03254634.0 ..... 23 July 2003 .....

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: ..... BROUNS, Fredericus, Johannes, Petrus, Henricus .....

Residence: ..... Sibbe-Valkenburg, The Netherlands .....  
 (city and either US state, if applicable, or country)

Mailing Address: .. Sibberkerkstraat 38, NL-6301.AW.Sibbe-Valkenburg, The Netherlands .....

Citizenship: Dutch .....

Inventor's Signature: .....  
 (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: .....  
 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: ..... SIMON, Jacques, Georges, Denis, Cénére .....

Residence: ..... Clamart, France .....  
 (city and either US state, if applicable, or country)

Mailing Address: .. 11 rue Brissard, F-92140 Clamart, France .....

Citizenship: French .....

Inventor's Signature: .....  
 (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: .....  
 (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☒ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

**Box No. VIII (v) DECLARATION: NON-PREJUDICIAL DISCLOSURES OR EXCEPTIONS TO LACK OF NOVELTY**

*The declaration must conform to the standardized wording provided for in Section 215; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (v). If this Box is not used, this sheet should not be included in the request.*

Declaration as to non-prejudicial disclosures or exceptions to lack of novelty (Rules 4.17(v) and 51bis.1(a)(v)):

"Continuation of Box No. VIII (iv)"

Name: BONNET, Didier, Charles, Robert

Residence: Uccle, Belgium

Mailing Address: 4 Clos du Abbé Froidure, B-1180 Uccle, Belgium

Citizenship: French

Inventors's signature..... Date .....

Name: VANHEMELRIJCK, Jozef, Guido, Roza

Residence: Meise, Belgium

Mailing Address: Landbeekstraat 10, B-1860 Meise, Belgium

Citizenship: Belgian

Inventor's signature ..... Date .....

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (v)".

**Box No. IX CHECK LIST; LANGUAGE OF FILING**

| This international application contains:   |             | This international application is accompanied by the following item(s) (mark the applicable check-boxes below and indicate in right column the number of each item):  |  | Number of items |
|--|-------------|---|--|-----------------|
| (a) in paper form, the following number of sheets:   |             | 1. <input checked="" type="checkbox"/> fee calculation sheet  |  | :               |
| request (including declaration sheets)   | : 6         | 2. <input type="checkbox"/> original separate power of attorney   |  | :               |
| description (excluding sequence listing and/or tables related thereto)   | : 16        | 3. <input type="checkbox"/> original general power of attorney  |  | :               |
| claims   | : 4         | 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: .....  |  | :               |
| abstract   | : 1         | 5. <input type="checkbox"/> statement explaining lack of signature  |  | :               |
| drawings   | : 2         | 6. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): .....   |  | :               |
| <b>Sub-total number of sheets</b>  | <b>: 29</b> | 7. <input type="checkbox"/> translation of international application into (language): .....   |  | :               |
| sequence listing   | :           | 8. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material  |  | :               |
| tables related thereto   | :           | 9. <input type="checkbox"/> sequence listing in computer readable form (indicate type and number of carriers)   |  | :               |
| (for both, actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (c) below) |             | (i) <input type="checkbox"/> copy submitted for the purposes of international search under Rule 13ter only (and not as part of the international application)   |  | :               |
| <b>Total number of sheets</b>  | <b>: 29</b> | (ii) <input type="checkbox"/> (only where check-box (b)(i) or (c)(i) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Rule 13ter              |  | :               |
| (b) <input type="checkbox"/> only in computer readable form (Section 801(a)(i))  |             | (iii) <input type="checkbox"/> together with relevant statement as to the identity of the copy or copies with the sequence listing mentioned in left column   |  | :               |
| (i) <input type="checkbox"/> sequence listing  |             | 10. <input type="checkbox"/> tables in computer readable form related to sequence listing (indicate type and number of carriers)  |  | :               |
| (ii) <input type="checkbox"/> tables related thereto   |             | (i) <input type="checkbox"/> copy submitted for the purposes of international search under Section 802(b-quater) only (and not as part of the international application)  |  | :               |
| (c) <input type="checkbox"/> also in computer readable form (Section 801(a)(ii))   |             | (ii) <input type="checkbox"/> (only where check-box (b)(ii) or (c)(ii) is marked in left column) additional copies including, where applicable, the copy for the purposes of international search under Section 802(b-quater) |  | :               |
| (i) <input type="checkbox"/> sequence listing  |             | (iii) <input type="checkbox"/> together with relevant statement as to the identity of the copy or copies with the tables mentioned in left column   |  | :               |
| (ii) <input type="checkbox"/> tables related thereto   |             | 11. <input checked="" type="checkbox"/> other (specify): Covering letter .....  |  | :               |
| <b>Type and number of carriers</b> (diskette, CD-ROM, CD-R or other) on which are contained the                                |             |   |  |                 |
| <input type="checkbox"/> sequence listing: .....   |             |   |  |                 |
| <input type="checkbox"/> tables related thereto: .....   |             |   |  |                 |
| (additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)   |             |   |  |                 |

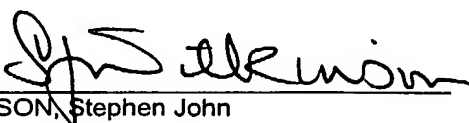
Figure of the drawings which should accompany the abstract:

Language of filing of the international application:

English

**Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE**

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).


  
WILKINSON, Stephen John

23/3/04

| For receiving Office use only   |   | 2. Drawings:<br><input checked="" type="checkbox"/> received:<br><br><input type="checkbox"/> not received: |
|---|---|---|
| 1. Date of actual receipt of the purported international application:   | (23. 03. 2004) 23 MAR 2004  |   |
| 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: |   |   |
| 4. Date of timely receipt of the required corrections under PCT Article 11(2):  |   |   |
| 5. International Searching Authority (if two or more are competent): ISA /  | 6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid |   |

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

# PATENT COOPERATION TREATY

## PCT

From the INTERNATIONAL SEARCHING AUTHORITY

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

|   |                    |
|---|--------------------|
| To:<br>STEVENS HEWLETT & PERKINS<br>Attn. Wilkinson, Stephen John<br>1 St. Augustine's Place<br>Bristol BS1 4UD<br>UNITED KINGDOM | <b>24 JUN 2004</b> |
|---|--------------------|

(PCT Rule 44.1)

|  |   |
|--|---|
| Applicant's or agent's file reference<br>SJW/6915 WO | <b>FOR FURTHER ACTION</b> See paragraphs 1 and 4 below        |
| International application No.<br>PCT/EP2004/003064   | International filing date<br>(day/month/year)      23/03/2004 |
| Applicant<br><br>CERESTAR HOLDING B.V.               |   |

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

**For more detailed instructions, see the notes on the accompanying sheet.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

**4. Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

|  |  |
|--|--|
| Name and mailing address of the International Searching Authority<br>European Patent Office, P.B. 5818 Patentlaan 2<br>NL-2280 HV Rijswijk<br>Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,<br>Fax: (+31-70) 340-3016 | Authorized officer<br><br>Maria Cajide |
|--|--|

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.



## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2004/003064

International filing date (day/month/year)  
23.03.2004

Priority date (day/month/year)  
24.03.2003

International Patent Classification (IPC) or both national classification and IPC  
A23L1/307, A23L1/09, A23L1/236, A23L2/60, A61K31/7016

Applicant  
CERESTAR HOLDING B.V.

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66 1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

De Jong, E

Telephone No. +31 70 340-3849



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/EP2004/003064

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/003064

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**Box No. II    Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/003064

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application,
- ☒ claims Nos. 22 (partly)

because:

- ☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the whole application or for said claims Nos. 22 (partly)
- ☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:
  - the written form ☐ has not been furnished
  - ☐ does not comply with the standard
  - the computer readable form ☐ has not been furnished
  - ☐ does not comply with the standard
- ☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.
- ☐ See separate sheet for further details

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/EP2004/003064

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |           |
|-------------------------------|-------------|-----------|
| Novelty (N)                   | Yes: Claims | 1-4,10-24 |
|                               | No: Claims  | 5-9       |
| Inventive step (IS)           | Yes: Claims |           |
|                               | No: Claims  | 1-24      |
| Industrial applicability (IA) | Yes: Claims | 1-24      |
|                               | No: Claims  |           |

**2. Citations and explanations**

**see separate sheet**

JC20 Rec'd PCT/PTO 23 SEP 2009

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/003064

**Re Item III.**

Use claim 22 encompasses in it's broader scope therapeutic methods. No search was carried out on this part (Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy) and no preliminary examination will be carried out (Rule 67.1(iv) and Article 34(4)(a)(I) PCT).

**Re Item V.**

1. Reference is made to the following documents:

- D1: DATABASE WPI Section Ch, Week 198750 Derwent Publications Ltd., London, GB; Class D13, AN 1987-352938 XP002007706 & JP 62 257346 A (LOTTE CO LTD) 9 November 1987 (1987-11-09)
- D2: DATABASE WPI Section Ch, Week 200326 Derwent Publications Ltd., London, GB; Class B05, AN 2001-615011 XP002266619 & KR 355 846 B (BIONGENE CO LTD) 18 October 2002 (2002-10-18)
- D3: EP-A-0 739 986 (HAYASHIBARA BIOCHEM LAB) 30 October 1996 (1996-10-30)
- D4: WO 03/022288 A (SASAKI HAJIME ; KUME HISAE (JP); MIZUMOTO KENJI (JP); MEIJI DAIRIES CO) 20 March 2003 (2003-03-20)
- D5: WO 96/08979 A (QUADRANT HOLDINGS CAMBRIDGE ; KAMPINGA JAPP (GB); COLACO CAMILO ANTHON) 28 March 1996 (1996-03-28)
- D6: GB-A-2 356 788 (BRITISH SUGAR PLC) 6 June 2001 (2001-06-06)
- D7: EP-A-0 882 408 (HAYASHIBARA BIOCHEM LAB) 9 December 1998 (1998-12-09)
- D8: GB-A-2 353 934 (BRITISH SUGAR PLC) 14 March 2001 (2001-03-14)
- D9: DATABASE WPI Section Ch, Week 199737 Derwent Publications Ltd., London, GB; Class D13, AN 1997-396989 XP002251971 & JP 09 173017 A (LOTTE CO LTD) 8 July 1997 (1997-07-08)
- D10: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 12, 3 January 2001 (2001-01-03) & JP 2000 262216 A (SAPPORO BREWERIES LTD), 26 September 2000 (2000-09-26)
- D11: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 20, 10 July 2001 (2001-07-10) & JP 2001 069941 A (SHOWA SANGYO CO LTD), 21 March 2001 (2001-03-21)
- D12: DATABASE WPI Section Ch, Week 198915 Derwent Publications Ltd.,

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/003064

- London, GB; Class B05, AN 1989-112222 XP002251923 & JP 01  
060360 A (MITSUI SEITO KK) 7 March 1989 (1989-03-07)
- D13: DATABASE WPI Section Ch, Week 198826 Derwent Publications Ltd.,  
London, GB; Class B03, AN 1988-177707 XP002251924 & JP 63  
112963 A (MITSUI SUGAR CO LTD) 18 May 1988 (1988-05-18)
- D14: DATABASE BIOSIS [Online] BIOSCIENCES INFORMATION  
SERVICE, PHILADELPHIA, PA, US; 1985, KAWAI K ET AL:  
"CHANGES IN BLOOD GLUCOSE AND INSULIN AFTER AN ORAL  
PALATINOSE ADMINISTRATION IN NORMAL SUBJECTS"  
XP002263919 Database accession no. PREV198682055038

2. D1 discloses a fondant-like sugar cream of 60-80% palatinose and 10-20% trehalose. D1 anticipates (Article 33(2) PCT) the subject-matter of claims 5 and 7-9. D2 discloses an incubation medium which contains 30-60% trehalose, 10-30% palatinose (isomaltulose), 5-15% fructose and 5-25% glucose, which anticipates the composition of claims 5 and 6.

3. All aspects of the claimed invention were disclosed in the cited documents:

- i. dry composition containing trehalose: D5-D7 ;
- ii. dry composition containing isomaltulose: D4, D12;
- iii. beverage containing trehalose: D3, D5-D11;
- iv. beverage containing palatinose: D12, D13;
- v. preserving osmolality and storage stability: D3;
- vi. medical use: D4-D6, D8, D9, D12-D14.

As to the combined use of trehalose and palatinose, the application does not mention any effect obtained thanks to the combination of these two. Thus, the effect of trehalose and palatinose together was to be expected and not considered to be inventive (Article 33(3) PCT).